

## LEGISLATIVE BILL 279

Approved by the Governor March 19, 2004

Introduced by Jones, 43; Baker, 44; Cudaback, 36; Cunningham, 40; Janssen, 15; Quandahl, 31; Smith, 48; Stuhr, 24; Vrtiska, 1; Thompson, 14; Hudkins, 21; Dw. Pedersen, 39; Redfield, 12; Aguilar, 35; Erdman, 47

AN ACT relating to motor vehicle registration; to amend section 60-308, Revised Statutes Supplement, 2002, and sections 60-311 and 60-320, Revised Statutes Supplement, 2003; to provide for six-year issuance of license plates; to change provisions relating to record keeping; to change fees; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-308, Revised Statutes Supplement, 2002, is amended to read:

60-308. The Department of Motor Vehicles shall keep a record of each vehicle registered, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such vehicle. The record may be destroyed by any public officer having custody of it after ~~three~~ six years from the date of its issuance.

The department shall furnish a copy of the record of a registered or titled vehicle to any person after receiving from the person the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle, if the person provides to the department verification of identity and purpose pursuant to section 60-2906 or 60-2907. A fee of one dollar shall be charged for the copy. An extract of the entire file of vehicles registered or titled in the state or updates to the entire file may be provided to a person upon payment of a fee of twelve dollars per thousand records. Any fee received by the department pursuant to this section shall be deposited into the Department of Motor Vehicles Cash Fund.

The record of each vehicle registration or title maintained by the department pursuant to this section may be made available electronically through the gateway or electronic network established under section 84-1204 so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. There shall be a fee of one dollar per record for individual records. For batch requests for multiple vehicle title and registration records selected on the basis of criteria of the individual making the request, there shall be a fee of twenty-four dollars for every request under two thousand records and a fee of twelve dollars per one thousand records for any number of records over two thousand, plus a reasonable programming fee not to exceed five hundred twenty dollars. All fees collected pursuant to this section for electronic access to records through the gateway shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the department.

Sec. 2. Section 60-311, Revised Statutes Supplement, 2003, is amended to read:

60-311. (1) The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered fully reflectorized license plates upon which shall be displayed (a) the registration number consisting of letters and numerals assigned to such motor vehicle in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. Two plates shall be furnished for every motor vehicle, except that one plate per vehicle shall be furnished for dealers, motorcycles, truck-tractors, semitrailers, trailers, cabin trailers, buses, and vehicles registered pursuant to section 60-356. The plates shall be of a color designated by the Director of Motor Vehicles. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-162.

(2) Except for license plates issued pursuant to section 60-361, license plates shall be issued every ~~three~~ six years beginning with the license plates issued in the year ~~1984~~ 2005. Except for plates issued pursuant to section 60-361, in the years in which plates are not issued, in lieu of furnishing such plates, the department shall furnish to every person whose motor vehicle is registered one or two renewal tabs, as the case may be, which renewal tabs shall bear the year for which furnished and be so constructed as to permit them to be permanently affixed to the plates.

(3) The department may provide a distinctive license plate for all motor vehicles owned or operated by the state, counties, municipalities, or school districts. Such government-owned motor vehicles shall display such distinctive license plates when such license plates are issued or shall display undercover license plates when such license plates are issued under section 60-304.

(4) The department shall provide a distinctive plate for issuance pursuant to section 60-361.

(5) Whenever new license plates, including duplicate or replacement license plates, are furnished to any person, a fee per plate shall be charged in addition to all other required fees. The plate fee shall be determined by the department and shall only cover the cost of the plate and renewal tabs and stickers but shall not exceed ~~two~~ three dollars and fifty cents. All fees collected pursuant to this section shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(6) There is hereby created the License Plate Cash Fund which shall consist of money transferred to it pursuant to section 39-2215. All costs associated with the manufacture of license plates and stickers or tabs provided for in this section and sections 60-311.01, 60-311.02, 60-6,322, and 60-1804 shall be paid from funds appropriated from the License Plate Cash Fund. The fund shall be used exclusively for such purposes and shall be administered by the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Section 60-320, Revised Statutes Supplement, 2003, is amended to read:

60-320. (1) (a) Each licensed motor vehicle dealer or trailer dealer as defined in section 60-1401.02 doing business in this state, in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any full-time or part-time employee or agent of such dealer may, if the motor vehicle or trailer displays dealer number plates:

(i) Operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his or her business as a motor vehicle or trailer dealer. Such use may include personal or private use by the dealer and personal or private use by any bona fide employee licensed pursuant to Chapter 60, article 14, if the employee can be verified by payroll records maintained at the dealership as ordinarily working more than thirty hours per week or fifteen hundred hours per year at the dealership;

(ii) Operate or move the same upon the streets and highways of this state for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery; or

(iii) Sell the same.

The dealer number plates provided for in subsection (3) of this section shall be displayed in the manner provided in section 60-323.

(b) Each licensed manufacturer as defined in section 60-1401.02 which actually manufactures or assembles motor vehicles, motorcycles, or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers, or use in the ordinary course and conduct of business as a motor vehicle, motorcycle, or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section.

(c) In no event shall such plates be used on motor vehicles or trailers hauling other than automotive or trailer equipment, complete motor vehicles, semitrailers, or trailers which are inventory of such licensed dealer or manufacturer unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products. This section shall not be construed to allow a dealer to operate a motor vehicle or trailer with dealer number plates for the delivery of parts inventory. A dealer may use such motor vehicle or trailer to pick up parts to be used for the motor vehicle or trailer inventory of the dealer.

(2) Motor vehicles or trailers owned by such dealer and bearing such dealer number plates may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Motor vehicles or trailers owned and held for sale by such dealer and bearing such dealer number plates may be driven upon the streets and highways for a period of forty-eight hours as service loaner vehicles by

customers having their vehicles repaired by the dealer. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes or to a service customer, the dealer shall deliver to the prospective buyer or service customer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer or service customer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the department and shall be carried by such prospective buyer or service customer while driving such motor vehicle or pulling such trailer. The department shall make a charge of ten dollars for each special permit issued under this section. A finance company as defined in section 60-1401.02 which is licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the department for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may be used only for moving motor vehicles or trailers on the streets and highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers repossessed. Such repossession plates shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or trailer being operated on a repossession plate. A finance company shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under Chapter 60, article 14.

(3)(a) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of a fee of thirty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer or designated county official as provided in section 60-302 of the county in which his or her place of business is located for a certificate and one dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. One additional dealer number plate may be procured for the type of vehicle the dealer has sold during the last previous period of October 1 through September 30 for each twenty vehicles sold at retail during such period or one additional dealer number plate for each thirty vehicles sold at wholesale during such period, but not to exceed a total of five additional dealer number plates in the case of vehicles sold at wholesale, or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled, whether from a kit or otherwise, within the state within the last previous period of October 1 through September 30 for a fee of fifteen dollars each.

(b) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of an annual fee of two hundred fifty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one personal-use dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. Additional personal-use dealer number plates may be procured upon payment of an annual fee of two hundred fifty dollars each, subject to the same limitations as provided in subdivision (a) of this subsection as to the number of additional dealer number plates. Beginning January 1, 1998, a personal-use dealer number plate may be displayed on a passenger car as defined in section 60-301 or a truck having a gross weight including any load on the truck of six thousand pounds or less belonging to the dealer, may be used in the same manner as a dealer number plate, and may be used for personal or private use of the dealer, the dealer's immediate family, or any bona fide employee of the dealer licensed pursuant to Chapter 60, article 14. Personal-use dealer number plates shall have the same design and shall be displayed as provided in sections 60-311 and 60-311.01.

(c) When an applicant applies for a license, the Nebraska Motor Vehicle Industry Licensing Board may authorize the county treasurer or designated county official to issue additional dealer number plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional dealer number plates because of special condition or hardship. In the case of unauthorized use of dealer number plates by any licensed dealer, the Nebraska Motor Vehicle Industry Licensing Board may hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer number plates for a set period not to exceed one year. All

additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

(d) Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers, who regularly maintains within this state an established place of business, and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, agent, or bona fide purchaser, drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows or the rear side windows of such motor vehicle, except a motorcycle, and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in black letters the words In Transit. One In Transit decal shall be displayed on a motorcycle, which decal may be one-half the size required for other motor vehicles. Such decals shall include a registration number, which registration number shall be different for each decal or pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each decal or pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of thirty days in order to effect proper registration of the new or used motor vehicle or trailer. When any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of thirty days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each. Such transporter number plates may be the same size as plates issued for motorcycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate. The original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that when a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer, including a cabin trailer, which itself is being delivered by the transporter, then the registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for ~~three~~ six years a record of each vehicle transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file proof of his or her status as a bona fide transporter.

(5) Any boat dealer when transporting a boat which is part of the inventory of the boat dealer on a trailer required to be registered may annually, in lieu of registration of the trailer and upon application to the Department of Motor Vehicles and payment of a fee of ten dollars, obtain a certificate and a number plate. The plate may be displayed on any trailer owned by the boat dealer when the trailer is transporting such a boat. The number plate shall be of a type designed by the department and so numbered as to distinguish one plate from another.

For purposes of this subsection, boat dealer shall mean a person engaged in the business of buying, selling, or exchanging boats at retail who has a principal place of business for such purposes in this state.

(6) It shall be the duty of all law enforcement officers to arrest

~~and prosecute~~ all violators of the provisions of subsection (1), (2), (3), (4), or (5) of this section. ~~and see that they are properly prosecuted according to law.~~ Any person, firm, or corporation, including any motor vehicle, trailer, or boat dealer or manufacturer, who fails to comply with such provisions shall be ~~deemed~~ guilty of a Class V misdemeanor and, in addition thereto, shall pay the county treasurer or designated county official any and all motor vehicle taxes and fees imposed in sections 60-3002 and 60-3007, registration fees, or certification fees due had the motor vehicle or trailer been properly registered or certified according to law.

When any motor vehicle or trailer dealer's or manufacturer's license has been revoked or otherwise terminated, it shall be the duty of such dealer or manufacturer to immediately surrender to the Department of Motor Vehicles or to the Nebraska Motor Vehicle Industry Licensing Board any dealer number plates issued to him or her for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer number plates to the department upon demand by the department shall be unlawful.

(7) Any motor vehicle or trailer owned by a dealer and bearing other than dealer number plates as provided in this section shall be conclusively presumed not to be a part of the dealer's inventory and not for demonstration or sale and therefor not eligible for any exemption from taxes or fees applicable to vehicles with dealer number plates.

Sec. 4. Original section 60-308, Revised Statutes Supplement, 2002, and sections 60-311 and 60-320, Revised Statutes Supplement, 2003, are repealed.